

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 13, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on May 13, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Acting Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Andrew Bayer, Esq. addressed the two legal questions raised at the April 29th meeting with regarding to Ord. #2004-4. The Public Hearing was held and closed on April 29th. After discussion, the following Resolution # 2004-125(As Amended)/Ord. # 2004-4 (Requiring Builders to Post Signs on Properties to be developed when submitting applications to Planning or Zoning Board) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0.

RESOLUTION # 2004-125 (As Amended)

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE #2004-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 " LAND USE DEVELOPMENT AND REGULATIONS,"ARTICLE I "DEFINITIONS, PURPOSE AND INTERPRETATION", SECTION 84-4B "DEFINITIONS AND ARTICLE II "LAND USE PROCEDURES", SECTION 84-11 "PUBLIC HEARING NOTICES"

which was introduced on March 25, 2004, public hearing held April 29, 2004, be adopted on second and final reading this 13th day of May, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2004-131 (carried from mtg. 4/29) Appointing Class III Member Planning Board to fill unexpired term of Barry Denkensohn expiring 12/31/04) was introduced by reference, offered by Council Vice President Denkensohn and seconded by Council President Mione. Discussion followed after which Councilwoman Morelli nominated Councilman Pernice. The motion was seconded by Councilman Pernice. Roll call was taken on the original motion to nominate Councilman Burrows, which passed on a vote of 3 - 2 in favor with Councilwoman Morelli and Councilman Pernice voting no.

RESOLUTION # 2004-131

A RESOLUTION APPOINTING T. GROVER BURROWS TO FILL THE UNEXPIRED TERM OF BARRY D. DENKENSOHN ON THE TOWNSHIP OF MARLBORO PLANNING BOARD

WHEREAS, Councilmember Barry D. Denkensohn resigned from his appointment as a Class III member of the Township of Marlboro Planning Board; and

WHEREAS, as a result of said resignation, a vacancy exists on the Planning Board that, pursuant to N.J.S.A. 40:55D-23, must be filled by the Township Council; and

WHEREAS, the Township Council desires to appoint Councilmember T. Grover Burrows to fill the unexpired term of Councilmember Barry D. Denkensohn on the Planning Board.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that T. GROVER BURROWS is hereby appointed to the Planning Board, as a Class III member, to fill the unexpired term of BARRY D. DENKENSOHN, such term to expire December 31, 2004; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township of Marlboro Planning Board
- b. Gluck, Walrath & Lanciano, LLP.

The following Resolution # 2004-153 (Award of Bid - Vanderburg Basketball Court) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-153

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO L & L PAVING COMPANY, INC. FOR THE PERMIT
ACQUISITION AND CONSTRUCTION OF THE VANDERBURG
BASKETBALL COURT FOR THE TOWNSHIP OF MARLBORO
RECREATION & PARKS COMMISSION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for (1) the permit acquisition and construction of the Vanderburg Basketball Court and (2) the permit acquisition and construction of an 8-foot high chain link fence around the proposed basketball court; and

WHEREAS, the two (2) bids received were as follows:

1. L & L Paving Company, Inc. of Tinton Falls, New Jersey in the amount of \$32,500.00 for the basketball court and \$7,300.00 for the chain link fence; and
2. Halecon, Inc. of Bridgewater, New Jersey in the amount of \$43,850.00 for the basketball court and \$23,900.00 for the chain link fence.

WHEREAS, the Administration and the Recreation & Parks Commission have reviewed the bids received and recommend that the contract for construction of the basketball court be awarded to L & L Paving Company, Inc. as the lowest qualified bidder and that the option for the chain link fence be deleted, per the bid specifications; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract for the construction of the basketball court to the lowest qualified bidder, L & L Paving Company, Inc. and to delete the option for the chain link fence, per the bid specifications.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the permit acquisition and construction of the Vanderburg Basketball Court be and hereby is awarded to L & L Paving Company, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and L & L Paving Company, Inc. for the provision of said services and goods in the amount of \$32,500.00, and in accordance with the bid proposal submitted by L & L Paving Company, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED, that the option for the permit acquisition and construction of the chain link fence for around the basketball court be and hereby is deleted, per the bid specifications; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. L & L Paving Company, Inc.
- b. Superintendent of Recreation and Parks Commission
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP.

The following Resolution # 2004-154 (Change Order Reduction 2002 Paving Contract) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-154

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
LUCAS BROTHERS PAVING CONTRACT

WHEREAS, Resolution #2002-371 authorized a paving contract to Lucas Brothers in the amount of \$390,480.00, and,

WHEREAS, the Superintendent of Public Works recommends the authorization of Change Order No. 1 regarding a decrease for paving contract (-\$18,224.95), a copy of which is attached hereto and made a part hereof, for a net decrease of the total contract amount of the project to \$18,224.95 for a total contract sum of \$372,255.05; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Change Order No. 1 between the Township of Marlboro and Lucas Brothers, in the form attached hereto, authorizes the net reduction consideration of \$18,224.95 a total contract sum of \$372,255.05.
2. That the Chief Financial Officer has filed a Certificate of Reduction of Funds for this contract and attached same to this resolution.
3. That a certified copy of this resolution shall be provided to each of the following:
 - A. Lucas Brothers
 - B. Chief Financial Officer
 - C. Business Administrator
 - D. Township Attorney

The following Resolution # 2004-155 (Change Order Reduction 2003 Equipment Rental) was introduced by reference, offered

by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-155

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
LUCAS BROTHERS EQUIPMENT RENTAL

WHEREAS, Resolution #2003-186 authorized an equipment rental contract to Lucas Brothers in the amount of \$58,000.00, and,

WHEREAS, the Superintendent of Public Works recommends the authorization of Change Order No. 1 regarding a decrease for rental equipment (-\$13,000.00), a copy of which is attached hereto and made a part hereof, for a net decrease of the total contract amount of the project to \$13,000.00 for a total contract sum of \$45,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Change Order No. 1 between the Township of Marlboro and Lucas Brothers, in the form attached hereto, authorizes the net reduction consideration of \$13,000.00 for a total contract sum of \$45,000.00,
2. That the Chief Financial Officer has filed a Certificate of Reduction of Funds for this contract and attached same to this resolution.
3. That a certified copy of this resolution shall be provided to each of the following:
 - A. Lucas Brothers
 - B. Chief Financial Officer
 - C. Business Administrator
 - D. Township Attorney

The following Resolution # 2004-156 (Supporting S-1 and A-2635 Highlands for Drinking Water and Land Preservation) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-156

RESOLUTION SUPPORTING S-1 and A-2635 AN EFFORT TO PROTECT
THE NEW JERSEY HIGHLANDS FOR DRINKING WATER AND LAND
PRESERVATION

WHEREAS, over four million residents of New Jersey, including every resident who lives in the Highlands, receive some or all of their drinking water from the New Jersey Highlands; and

WHEREAS, New Jersey's three largest industries - food processing, tourism and pharmaceuticals - are dependent upon water, and the makers of M&M's, Valium, Haagen-Daz, Budweiser, Michelob, Goya Beans and Progresso Soups are specifically dependent upon water from the Highlands; and

WHEREAS, more recreational visitors go to the NY-NJ Highlands each year than Yellowstone, Yosemite and Grand Canyon National Parks combines, making the Highlands an integral component of New Jersey's eco-tourism industry; and

WHEREAS, the Highlands provide critical habitat for nearly 150 threatened or endangered species; and

WHEREAS, over 5,000 acres of the NJ Highlands are lost to sprawling development each year, development in the Highlands is proceeding at a pace 50 percent greater than the statewide average and buildout could be reached in 20-30 years; and

WHEREAS, the ability of individual municipalities, no matter how well intentioned or skilled at planning and preservation, to affect regional development trends is limited; and

WHEREAS, a bipartisan task force convened to consider these important issues and recommend solutions to them was comprised of a broad spectrum of business, development, environmental and local government representatives; and

WHEREAS, that task force heard from hundreds of concerned New Jerseyans at three public meetings and through the Internet; and

WHEREAS, that task force has recommended a comprehensive series of steps to preserve the natural resources of the Highlands, to protect the source of drinking water for half of New Jersey, to maintain the equity of landowners and to the address the needs of local governments; and

WHEREAS, the Legislature has incorporated those recommendations into bills S-1 and A-2635;

NOW, THEREFORE, BE IT RESOLVED, that Marlboro Township urges the Legislature to pass and the Governor to sign S-1A-2635 while maintaining the following components in the bill:

A large contiguous preservation area of at least 350,000 to 390,000 acres within the 800,000 acre New Jersey Highlands, permanently protected through acquisition, transfer of development rights and enhanced regulation; and

A regional planning council to develop a comprehensive plan for the entire New Jersey Highlands, and whose master plan is mandatory within the preservation area; and

Enhanced regulatory authority for the New Jersey Department of Environmental Protection to protect water quality and other Highlands natural resources; and

No mandatory growth areas so as not to repeat the mistakes made in the Pinelands; and

Significant state protection in the form of a legal shield for municipalities whose master plans are consistent with the council's master plan; and

Property tax relief and other measures to ensure fiscal fairness for municipalities; and

Protections for landowner equity; and

Affordable housing opportunities consistent with the overall planning and preservation goals of the region.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Governor McGreevey, all members of the New Jersey Senate and Assembly delegation for Marlboro Township, and the New Jersey League of Municipalities.

The following Resolution # 2004-157 (Supporting S-862 to Require Mammograms under Certain Circumstances) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-157

RESOLUTION SUPPORTING S-862 TO REQUIRE INSURERS TO COVER
THE COST OF MAMMOGRAMS FOR WOMEN UNDER AGE 40
UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Senator Ellen Karcher and Senate President Richard J. Codey having recognized the need to increase access to life saving mammograms for New Jersey women have drafted Senate Bill S862 to require health, hospital, and medical service corporations, individual, small employer and larger group insurers and health maintenance organizations to provide benefits for expenses incurred in conducting mammograms for women under 40 years of age who have a family history of breast cancer or other cancer risk factors; and

WHEREAS, risk factors for breast cancer include age, family history of breast cancer; personal history of breast, ovarian, or endometrial cancer; some forms of benign breast disease; menstruation at an early age; never bearing children; first child born after age of 30; high doses of radiation; long-term use of post-menopause estrogen replacement therapy; obesity after menopause; and high alcohol consumption.

WHEREAS, incidence rates for breast disease and cancer have increased to the point where one in eight women can expect to fall victim to this disease. In 2003, the American Cancer Society estimated that 7,400 new cases of breast cancer will be diagnosed among women in New Jersey, and 1,400 women will die of breast cancer. The American Cancer Society has also reported that based on analysis of statistics compiled from 1996-2000 that the average age-

adjusted mortality rates for breast cancer per 100,000 women were 27.2 nationally compared to 31.3 for New Jersey women, a mortality rate 3.5% higher than the national average; and

WHEREAS, for women with a family history of breast cancer or other risk factors, many physicians recommend that they begin annual mammograms 10 years prior to the age at which their family member(s) was first diagnosed; and

WHEREAS, studies show that early detection of breast cancer saves lives. According to the Center of Disease Control, if detected early, the five-year survival rate for localized breast cancer is 96%. Mammograms are a noninvasive, effective diagnostic tool to detect breast cancer at its earliest, most treatable stage.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, New Jersey that the state legislature is respectfully requested to pass into law Senate Bill S-862 which was drafted by Senator Ellen Karcher and Senate President Richard J. Codey and which would require insurers to cover the cost of mammograms for women under age 40, under certain circumstances.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Governor Mc Greevey, all members of the New Jersey Senate and Assembly delegation for Marlboro Township, and the New Jersey League of Municipalities.

The following Resolution # 204-159 (Raffle License Marlboro Jewish Center) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-159

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-04 be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle (Non-draw - Carnival Night) will be held on the following dates and times:

June 5, 2004 9PM - 1AM

at Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

At 9:55 PM, Council Vice President Denkensohn moved that the meeting go into executive session for reason of acquisition of property, contract negotiations and litigation. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held, and the executive session commenced at 10:05 PM.

RESOLUTION # 2004-158

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of May, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 90 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:30PM, Councilman Pernice moved that the executive session be opened. This was seconded by Council Vice President Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:35PM, Councilwoman Morelli moved that the meeting be adjourned. This was seconded by Council President Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 24, 2004

OFFERED BY: Denkensohn

AYES: 4

SECONDED BY: Pernice

NAYS: 0

ABSENT: Morelli

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT

